



PATENT
ATTORNEY DOCKET No.: 056427-5004-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------------------|---|------------------------|
| In re Application of: |) | |
| |) | |
| Frank BEERWORTH, et al. |) | Confirmation No.: 4185 |
| |) | |
| Application No.: 10/617,708 |) | Group Art Unit: 2859 |
| |) | |
| Filed: July 14, 2003 |) | Examiner: G. Verbitsky |
| |) | |
| For: PROTECTIVE CAP FOR INFRARED |) | |
| RADIATION THERMOMETER |) | |
| (As Amended) |) | |

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Office Action dated August 25, 2004.
2. Additional papers enclosed:
 - ☐ Drawings: ☐ Formal ☐ Informal
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---|--------------------------|-------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 120.00 | \$ 60.00 |
| <input type="checkbox"/> two months | \$ 450.00 | \$ 225.00 |
| <input type="checkbox"/> three months | \$ 1,020.00 | \$ 510.00 |
| <input type="checkbox"/> four months | \$ 1,590.00 | \$ 795.00 |

Extension of time fee due with this request: \$120.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|---------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 17 | minus | 20 | 0 | x \$50 each= | + \$ |
| Independent Claims (37 C.F.R. §1.16(b)) | 2 | minus | 3 | 0 | x \$200 each= | + \$ |
| [] First presentation of Multiple dependent claim(s) | | | | | \$360.00 | + \$ |
| SUB-TOTAL = | | | | | | \$ |
| Reduction by ½ for filing by a small entity | | | | | | - \$ |
| TOTAL FEE = | | | | | | \$ 0 |

6. Fee Payment

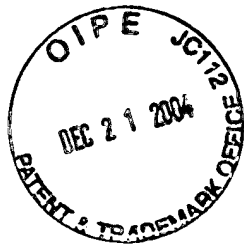
- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of **\$120.00** for the 1-month extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLPDated: December 21, 2004

By: Donald L. Monin, Jr.
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 Reg. No. 47,256

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The Commissioner for Patents
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Customer Window, **Mail Stop Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT

In response to the Office Action dated August 25, 2004, the period for response to which have been extended through December 27, 2004 (December 25, 2004 being a Saturday and December 26, 2004 being a Sunday) by a Petition for Extension of Time and fee payment submitted concurrently herewith, please amend the above-identified application as follows:

12/23/2004 MAHMED1 00000020 500310 10617708
01 FC:1251 120.00 DA